File No. 234

19 31.

Collection No.

Mysore Residency

Bangalore.

Pros. Serial Nos. 1-12

Subject.

Exemption of certain officials from the age limit for entry into Government Service.

Previous References.	Later References.
F.No.246 of 1917.	F.No.675 of 1934.

S. 97.—(Blue).

MFP—168S&P—(M-184)—11-8-34—60,000.

NOTES AND PRECIS.

FILE No. 234 193/

Section. File No.

Heading. Serial No.

NOTES.

DEPT.
BRANCH.

Pros. 19 . Nos.

Subject.

Exemption of certain officials from the age limit for entry into Government Service.

Notes and Orders.

246/1917.

675/34

S. 1.

MG1PC—S1—1027 (CPS)MFP—(M-753)—24-8-34—6,00,000.

S.N.1
Puc

(1)

Note A

For precedent, please see flag F

Letter No.433/2, dated the 8th May, 1931, from the Residency Surgeon, Bangalore.

Lady Assistant Surgeon Miss D.V.Krishna Rao of the Lad Curzon Hospital may be exempted from the age rules as recommended by the Residency Surgeon.

Draft submitted.

P.V. Krishnaswamy
14.5.31.

19.5.31

AS

Left

Resident.

20.5

S N 2

Issued No.3750, dated 23-5-1931.

S N 3

Puc

(2)

Note A

Letter No.1270/2, dated the 30th July, 1931, from the Residency Surgeon, Bangalore.

Compounder Mariasoosay of Bowring Civil Hospital may be exempted from the age rules as recommended by the Residency Surgeon.

Draft submitted.

P.V. Krishnaswamy
31-7-31.

6.8.31

AS

(3) Left

Issue d Resident. Case.

S N 4

Issued No.5769, dated the 11th August, 1931, and submitted.

Resident.

P.V. Krishnaswamy
11.8.31.

12.8

S N 5

Letter No.1500/2, dated the 21st August, 1931, from the Residency Surgeon, Bangalore.

(4)

The two nurses may be exempted from the age rules as recommended by the Residency Surgeon.

Draft submitted.

P.V. Krishnaswamy
25.8.31.

27.8.31

S N 6

Issued No.6333, dated the 1st September, 1931.

S.N.7.
P.U.C.

Endorsement No.N.Dis.7181-A-32, dated the 13th December, 1932, from the Collector, Civil and Military Station, Bangalore.

---

(1) The two clerks and the Record Attender referred to in the p.u.c may be exempted from the age rules, as recommended by the Collector.

(2) In the p.u.c., the Treasury Officer states that the above officials have been provisionally confirmed in their respective posts. Please see in this connection S.N.247A of File No.379 of 1931 and the Government of India Finance Department's Resolution No.D.4523-Ex.I/31, dated the 9th July, 1931 at slip 'D'. The three officials in question were in Government service on the 15th July 1931, though not in a permanent capacity. (Two of them were subsequently discharged from service but re-entertained soon after.) It is not clear whether the orders of the Government of India contained in the Resolution above referred to, apply to these officials. If they do apply, they should not be confirmed until the embargo placed on confirmations is actually removed. This may be pointed out to the Treasury Officer.

(A)

THE PRESIDENT'S TREASURY
JAN 1933
97
C. F.

Draft submitted.

(3) S. D. Sadachaban.
12/1/33.

The F.A. may see the file u/o before issue of draft?

H.Q. No. 416
18th January 1933

Sfg. 17/1/33

17/1

(4)

The draft may issue.

Secretary

The Secretary to the Hon'ble the Resident in Mysore, B'lore.
U.O.No.111 dated 19th January 1932.

OFFICE OF THE RESIDENT IN MYSORE
BANGALORE.
20 JAN. 1933
Regd. No. 559
File. No. Nil

(5)

Please see from paragraph 1 ante.

May draft now issue please?

V. D. Vedachalam
24.1.33.

(From para. 5)

Resident 26.1

S.N.8

Issued No, 763 dated the 30th January, 1933.

S.N.9.

P.W.C.

Letter No.674/A/33, dated the 22nd May, 1933, from the Commissioner of Police, Civil and Military Station, Bangalore.

Sergeant H.G. Fisher of the Civil and Military Str Police Force may be exempted from the age rules as recommended by the Commissioner of Police.

Draft submitted.

S. D. Venkatalam
10/6/33.

10.6.33

10/6/33

Secy. I id. & appropriate for Commr to anticipate Resident's Sanction? He must have known this would be required. Chief 7/6

The rule is that a person whose age exceeds 25 years may not ordinarily be admitted into the service without the sanction of the Head of the

the Department - in this case the Resident. There have, however, been many instances in which such appointments have been made by subordinate authorities in anticipation of Resident's sanction. - Vide Sls. 2, 4, 6 and 8.

(From para 1)

S. D. Vedachalam.
16.6.33.

16.6.33

Spoken to Secretary.

Under the Administrative Instructions issued by the Governor-General in Council in connection with Fundamental Rule 10, no person whose age exceeds 25 years can ordinarily be admitted into Superior pensionable Government service without the sanction of the Head of a Department. Under Supplementary Rule 2(10), Head of a Department means any authority which the Governor General in Council may by order declare to be the head of a department for the purposes of the Fundamental and Supplementary Rules. Appendix No.14 contains a list of officers declared to be heads of departments under S.R.2(10). It will be seen from this list that the Resident in

in Mysore has not been declared to be a head of a department. The position therefore appears to be that as far as the Government servants in the Civil and Military Station are concerned, the head of the department for the purposes of the Supplementary Rules is the Governor General in Council. But, please see Appendices 4 and 13 and Supplementary Rule 310(d). Appendix No.4 contains a list of the various delegations made by the Governor General in Council under the Fundamental Rules and Appendix No.13 contains a similar list of delegations under the Supplementary Rules. Under S.R.310(d), any power delegated by either appendix to a Head of a department by the Governor General in Council may be exercised by a political resident of the first class. The power of sanctioning exemption from age rules, which has been delegated to a head of a department, can therefore be exercised by the Hon'ble the Resident under S.R.310(d).

The Commissioner of Police is the executive head of the Police department of the Station, but he is not a head of a department for the purposes of the Fundamental and Supplemental Rules, as he has not been declared as such by the Governor General in Council under S.R.2(10) and Appendix 14. The exemption from age rules in the case of

of a subordinate in the Police department cannot therefore be sanctioned by him.

(6) As stated in para 3 ante, there have been many instances in which over age persons have been appointed to Government service on probation or in an officiating or temporary capacity, by subordinate officers. In such cases, Resident's sanction is obtained only if and when the question of confirmation arises. If sanction is refused by the Resident, the Government servant concerned cannot be confirmed. Nor can a Government servant whose age exceeds 25 years be ordinarily confirmed in Government service by a subordinate officer in anticipation of the Resident's sanction.

(7) It is not clear from the Commissioner's letter P.U.C. whether Resident's sanction has now been asked for with a view to confirm Sergeant Fisher or whether he has by mistake already confirmed the Sergeant without first obtaining the necessary sanction. From the fact that sanction has been asked for at the instance of the Accountant-General, it would appear that confirmation has already been effected.

(8) In the circumstances, it is for orders whether further

further information should be called for from the Commr. of Police, or whether the sanction asked for may be accorded. In the latter case, the draft already put up may issue.

(From para 1)

14-7-33

17.7.33

(9) Secy. Would it be kindly say whether he considers it appropriate for Comm. to anticipate Resident's Sanction in such matters.

18

Page 353

THE HON'BLE THE RESIDENT'S TREASURY
No. 1170
21 JUL 1933
BANGALORE

(10) R-O-No-5253
Dated 19.7.33

The note under Section 1 in Appendix No.3 Administrative instructions in connection with the Fundamental Rules states that the rule regarding the 25 year limit does not apply to the employment in civil capacities of reservists and pensioners in the Indian Army. In the present case it may kindly be stated whether Sergeant H.G. Fisher who was an acting Bombardier 38/61st Field Battery, R.A., is not a reservist or a pensioner of the Indian Army.

21-7-33

21/7

The Secretary to the Hon'ble the Resident in Mysore, B'lore.
U.O.No.90 dated 21st July 1933.

OFFICE OF THE RESIDENT IN MYSORE.
BANGALORE.
22 JULY 1933
Regd. No. 6331
No. 234/31.

(11)

Paragraph 10 ante.

Draft telephone message submitted.

(From para 9)

(12)

Please see from para (9) ante, and the C.P.'s reply to the telephone message at slip 'L'. The C.P. may, if approved, be informed that the rule regarding age limit does not apply to Sergeant Fisher, as he is an Army reservist. Draft submitted.

(Para 12 only)

Issued No. 5877 B/F 12.8.33. (S.N.10)

C.M.H.
R.A.C.

Letter Ref.No.4299-A-33, dated the 31st August 1933, from the Collector and District Magistrate, Civil and Military Station, Bangalore.

Copyist-typist, C.R.Chidambaram, of the Office of the Collector and District Magistrate, may be exempted from the age rules as recommended by the Collector and District Magistrate.

Draft submitted.

V. D. Varadachalam
10/9/33.

14.9.33

Secy.

S.N.12

Issued Pro. No.9583 dated the 3rd October, 1933.

CORRESPONDENCE.

No. 439/2.

Residency Surgeon's Office
Bowring Civil Hospital
Bangalore 8th. May 1931

From

Colonel J.McPherson,M.A.,M.B.,F.R.C.S.E.,M.R.C.I.,
I.M.S.,
Residency Surgeon.

To

The Secretary

to the Resident in Mysore,

B a n g a l o r e.

Subject:-
Exemption of Lady Assistant Surgeon Miss D.V.Krishna Rao from age restriction Rules.

Sir,

I have the honour to inform you that Miss D.V. Krishna Rao, Lady Assistant Surgeon, has been appointed for the Lady Curzon Hospital as Third Lady Assistant Surgeon,with effect from 17th. June 1929. Her age at the time of her entertainment was 29 years. I therefore request you to kindly obtain sanction of the Hon'ble the Resident in Mysore, Bangalore, to exempt her from age restriction Rules in the interests of the Public Service.

I have the honour to be

Sir,

Your most obedient servant,

Colonel.,I.M.S.

Residency Surgeon, Bangalore

OFFICE OF THE RESIDENT IN MYSORE.
BANGALORE.
11 MAY 1931
Regd. No. 4797
23-5-31

No. /2.

Residency Surgeon's Office
Bowring Civil Hospital
Bangalore 8th. May 1931

From

Colonel J.McPherson,M.A.,M.B.,F.R.C.S.E.,M.R.C.P.,
I.M.S.,
Residency Surgeon.

To

The Secretary

to the Resident in Mysore,

B a n g a l o r e.

Subject:-
Exemption of Lady Assistant Surgeon Miss D.V.Krishna Rao from age restriction Rules.

Sir,

I have the honour to inform you that Miss D.V. Krishna Rao, Lady Assistant Surgeon, has been appointed for the Lady Curzon Hospital as Third Lady Assistant Surgeon,with effect from 17th. June 1929. Her age at the time of her entertainment was 29 years. I therefore request you to kindly obtain sanction of the Hon'ble the Resident in Mysore, Bangalore, to exempt her from age restriction Rules in the interests of the Public Service.

I have the honour to be

Sir,

Your most obedient servant,

Colonel, I.M.S.,

Residency Surgeon, Bangalore.

No. /2.

9
f 234/31

Proceedings of the Hon'ble the Resident in Mysore.

No 3750 Dated 23rd May 1931.

Read:- Letter No.433/2, dated the 8th May, 1931, from the Residency Surgeon, Bangalore.

S.N.1
Pnc

ORDER

In the interests of the Public Service, the Hon'ble the Resident is pleased to exempt Miss D.V.Krishna Rao, Lady Assistant Surgeon, Lady Curzon Hospital, Bangalore, from the operation of Section I of the Administrative Instructions in connection with the Fundamental Rules, her age being 29 years.

Secretary to the Resident.

To

The Residency Surgeon, Bangalore.

The Pay and Accounts Officer, Bangalore.

P.V.Krishnaswamy
14-5-31.

22-5-31

3

No. 1270/2.

Residency Surgeon's Office
Bowring Civil Hospital
Bangalore 30th. July 1931

From

Bt-Colonel.J.McPherson,M.A.,M.B.,F.R.C.S.E.,
M.R.C.P.,I.M.S.,
Residency Surgeon.

To

The Secretary
to the Resident in Mysore,
Bangalore.

Subject:-
Exemption of Compounder A. Mariásoosay from age restriction rules.

Sir,

I have the honour to inform you that Compounder A. Mariasoosay, Bowring Civil Hospital, has been appointed by me with effect from 6th. November 1930. His age at the time of his entertainment was 28 years. I therefore request you to kindly obtain sanction of the Hon'ble the Resident in Mysore, Bangalore, to exempt the Compounder in question from the operation of age limit required under the Administrative Instructions issued in connection with the Fundamental Rules.

I have the honour to be
Sir,
Your most obedient servant,

Bt-Colonel.,I.M.S.,
Residency Surgeon, Bangalore.

OFFICE OF THE RESIDENT IN MYSORE.
BANGALORE.
31 JULY 1931
Regd. No. 7354
File No. 234/31

4

Proceedings of the Hon'ble the Resident in Mysore.

No. 5769 Dated 11th August 1931

S.N.3

Read:- Letter No.1270/2, dated the 30th July, 1931, from the Residency Surgeon, Bangalore.

O R D E R

In the interests of the Public Service, the Hon'ble the Resident is pleased to exempt Mr. A.Mariasoosay, Compounder, Bowring Civil Hospital, Bangalore, from the operation of Section 1 of the Administrative Instructions in connection with the Fundamental Rules, his age being 28 years.

Secy. to the Resident.

To

The Residency Surgeon, Bangalore.

The Pay and Accounts Officer, Bangalore.

P.V. Krishnaswamy

31.7.31.

5

No. /502/2.

Residency Surgeon's Office
Bowring Civil Hospital
Bangalore 21st. August 1931

From

Bt-Col. J.McPherson,M.A.,M.B.,F.R.C.S.E.,
M.R.C.P.,I.M.S.,
Residency Surgeon.

To

The Secretary - - -

6

Proceedings of the Hon'ble the Resident in Mysore.

No. 6333 Dated 18th Sept. 1931

Read:- Letter No.1500/2, dated the 21st August, 1931, from the Residency Surgeon, Bangalore.

O R D E R

In the interests of the Public Service the Hon'ble the Resident is pleased to exempt Nurse F.Claydon and Nurse K.Gray, Bowring Civil and Lady Curzon Hospitals, Bangalore, from the operation of Section 1 of the Administrative Instructions in connection with the Fundamental Rules, their ages being 34 and 28 years respectively.

Secy. to the Resident.

To

The Residency Surgeon, Bangalore.
The Pay and Accounts Officer, Bangalore.

1877

THE HON'BLE THE RESIDENT'S TREASURY,
BANGALORE,

Dated the 5th December 1932.

No. 1519 Enc.

FROM

M.R.Ry. Rao Sahib, S. Kuppuswami Naidu, Garu, B.A.,
OFFICER IN CHARGE OF THE HON'BLE THE RESIDENT'S TREASURY,
BANGALORE.

OFFICE OF THE RESIDENT IN MYSORE.
BANGALORE.
14 DEC. 1932
Regd. No. 11194
File. No.

To

The Secretary to the Hon'ble
the Resident in Mysore, Bangalore.

Through

The Collector,
Civil and Military Station,
Bangalore.

Sir,

I have the honour to state that the following clerks of this office were confirmed provisionally in their respective posts from the dates noted against each and as their ages exceeded 25 years on those dates, I request your sanction for exemption from the age limit, vide Rule 1 of the Administrative instructions in connection with the Fundamental Rules, Appendix 3 of the Accountant General, Posts and Telegraphs, compilation of the Fundamental Rules.

Mr. K.Krishna Nair:-

Date of birth 13th November 1906. Confirmed from 1st April 1932. Age on confirmation 26. He was a temporary clerk in the Pay and Accounts Office from 28th June 1930 (when he was under 25 years of age) to 31st October 1931 and had to be discharged from 1st November 1931 on the abolition of the Pay and Accounts Office, but was re-entertained from 2nd January 1932 in another vacancy and confirmed from 1st April 1932.

Mr. D. Jayaram Naidu:-

Date of birth 2nd February 1901. Age 31. He was appointed as a clerk from 8th August 1932. He was previously employed as a temporary clerk in the

Government Dock Yard, Rangoon, continuously from 12th September 1924 (when he was under 25 years of age) to 7th August 1932.

These two clerks were taken on to the permanent Treasury establishment in the interests of the Treasury work.

R.A. Yesiah, Record Attender:-

Date of birth 29th December 1902. He was the Record Attender in the Pay and Accounts Office, since 23rd March 1926 (when he was under 25 years) to 31st October 1931 but had to be discharged from 1st November 1931 on the abolition of the Pay and Accounts Office, Bangalore. He was re-entertained from 1st February 1932 in another vacancy and confirmed. His admission to the permanent staff was also in the interests of the office.

I have the honour to be,

Sir,

Your most obedient servant,

TREASURY OFFICER,
BANGALORE.

13/XII

N.Dis.7181-A-32.

DESPATCHED
13. DEC. 1932

Forwarded and recommended.

12.12.

COLLECTOR.

8.12. 8/12

8

Draft.

PROCEEDINGS OF THE HON'BLE THE RESIDENT IN MYSORE

No. 763. Bangalore, dated 30th Jan 1933.

S.N.7, P.U.C.

Read:-

Letter No.1519, dated the 5th December, 1932, from the Officer in charge of the Hon'ble the Resident's Treasury, Bangalor & the Collector's endorsement thereon.

O R D E R.

In the interests of the Public Service, the Hon'ble the Resident is pleased to exempt the marginally noted Government officials from the operation of section 1 of Administrative Instructions in connection with the Fundamental Rules, their age being 26, 31 and 30 years respectively.

SECRETARY TO THE RESIDENT.

Mr.K.Krishna Nair, Clerk

Mr.D. Jayaram Naidu, Clerk

R.A. Yesiah, Record Attender

of ~~the Office of~~ the Hon'ble the Resident's Treasury, Bangalore.

(Z) Recommd.

(A) S.N.247A 379-31

(B) S.N.248 —do—

The Officer in charge of the Hon'ble the Resident's Treasury, Bangalore (through the Collector). Under the orders contained in the office memorandum No.F.36(147)-Ex 1/32, dated the 17th August, 1932, from the Government of India, Finance Department, a copy of which was forwarded to him with this office endorsement No.6432, dated the 22nd September 1932, the ban on confirmation of Government servants imposed in the Resolution of the Government

Government of India referred to therein, should continue until further orders. The question of confirmation ~~shall~~ be decided with reference to these orders.

The Accountant General, Madras.

S. D. Sadachalam.

12/1/33.

OFFICE OF THE COMMISSIONER OF POLICE,
CIVIL AND MILITARY STATION, BANGALORE.

No. 674/A33 encore. *Dated* 22-5-1933

FROM E. H. Sullivan, Esquire,
COMMISSIONER OF POLICE,
CIVIL AND MILITARY STATION,
BANGALORE.

To

The Secretary to the Hon'ble
the Resident in Mysore,
BANGALORE.

OFFICE OF THE RESIDENT IN MYSORE.
BANGALORE.
25 MAY 1933
Regd. No. 4640
Secl No. 234/31

SIR,

I have the honour to inform you that H. G. Fisher, Acting Bombardier, 38/61st Field Battery, R.A., was appointed as Sergeant in the Station Police Force from 2-2-33. His date of birth is 2-2-04 and he was therefore more than 25 years of age on enlistment.

The Accountant-General, Madras, has called for sanction for the exemption from the age limit of 25 years. Copy of his objection is herewith sent for information.

I therefore request that necessary sanction of the Hon'ble the Resident in Mysore may be kindly accorded.

I have the honour to be,
Sir,
Your most obedient servant,

for COMMISSIONER OF POLICE.

Copy of letter No. H.M.,T.3 Bang.8-95 dated 16-5-1933 from the Accountant-General, Madras, (T.3), to the Commissioner of Police, Civil and Military Station, Bangalore.

" I have the honour to request that you will be so good as to furnish the information, etc., required below."

Reference:- Your reply 674/A/33 dated 3-5-33 to this Office ABK.5 dated 25-4-33.

Sanction for the exemption from the age limit of 25 years was called for in the case of Mr. Henry George Fisher and not of Mr. Taylor.

Copy of the sanction of the head of the department may be furnished.

C O P Y.

M A N A G E R.

Ref.No. 4299-A-33

Office of the Collector and Dt. Magistrate,
Civil and Military Station, Bangalore.

Dated 31st August 1933.

From
G. H. Cooke, Esq., M.C., I.C.S.,
Collector and District Magistrate,
Civil and Military Station,
BANGALORE.

To
The Secretary to the Resident
in Mysore, Bangalore.

Sir,

Age limit - exemption of - Chidambaram, C.R., Copyist-typist - Requested.

On 21-12-'29 Mr. Venkatraman a permanent clerk of this office in the grade of 35-2-65 was transferred to the Collector's Office, Salem at his own request. To this post the permanent Copyist-typist of this office on Rs.25/- was appointed and an outsider C.R.Chidambaram who has passed the Typewriting examination was taken as Offg. Copyist-typist.

As the Collector of Salem requested that Mr.Venkatraman's lien may be retained in this office, permanent arrangements could not be made in this vacancy. He was confirmed in Salem in July last. Chidambaram was provisionally confirmed Copyist-typist in August 1933. His date of birth is 15th March 1905 i.e., he is now aged about 28½ years. As he joined service in 1929 i.e., when he was aged about 24 years 9 months and has been officiating in the post since then without any break in service, I request that he may be exempted from the age limit of 25 prescribed in Art.51 of C.S.R.

I have the honour to be,
Sir,
Your most obedient servant,

COLLECTOR & DT.MAGISTRATE.

5 SEPT. 1933
File No. 2341

12

Draft.

PROCEEDINGS OF THE HON'BLE THE RESIDENT IN MYSORE..

No. 9583 Dated 3rd October, 1933.

Read:- Letter No. 4299-A-33, dated the 31st August 1933, from the Collector and District Magistrate, Civil and Military Station, Bangalore.

O R D E R.

In the interests of the Public Service, the Hon'ble the Resident is pleased to exempt C.R. Chidambaram, Copyist-typist, Office of the Collector and District Magistrate, C & M. Station, Bangalore, from the operation of Section I of the Administrative Instructions in connection with the Fundamental Rules, his age being 28½ years.

SECRETARY TO THE RESIDENT.

To

The Collector and District Magistrate, C & M. Station, Bangalore.

The Accountant General, Madras.

S. D. Venkatachalam 10.9.33.

File No. 239/1931.

Collection No.

19 .

Resident's Office,

Bangalore.

Pros. Serial Nos: 1---12.

Subject.

Objection raised by the Station Military authorities for the construction of a building on site No.10, Edward Road, C. & M. Station, Bangalore, by one Mr. Thangavelu Mudaliar.

Previous References.	**Later References.**
565/1923.	

S. 97. (Blue).

DOFP—1658S&P—(M-1937)—19-12-32—60,000.

NOTES AND PRECIS.

Section: Heading:

FILE No.239/1931.

File No.

Serial No.

NOTES.

DEPT.
BRANCH.

Pros. 19 . Nos.

Subject.

Objection raised by the Station Military authorities for the construction of a building on site No.10, Edward Road, C. & M. Station, Bangalore, by one Mr. Thangavelu Mudaliar.

Previous ref:
565/1923.

Notes and Orders.

S. I.

MG1PC—S1—1862(G1) DCF —(G-1140)—5-1-28—5,00 000.

A) S.N.1

No.24518/100/S, dated the 12th May 1931, from Headquarters, Madras District, Bangalore.

The P.U.C. and enclosures may perhaps be forwarded to the President, Municipal Commission, Civil and Military Station, Bangalore, and his ~~opinion~~ remarks invited.

Draft submitted for approval.

Kora Chand
18-5-31.

CVOC
19.5.31

19.5.31

A/S.

S.N.2 Issued No.3666, dated the 20th May,1931.

S.N. 3 From Headquarters, Madras District, No.24518/109/d-28-5-31.

Two drafts submitted.

CVOC
30.5.31

30.5.31

A/S.

Can binding speakers Mail. without Residents' Sanchi. Please say before 11.30 am Cinema.

2/6

4 Paragraph 3 ante.

It looks as if, in this case, permission of the Resident is necessary, but one cannot perhaps be sure. Why a little doubt is expressed is explained below.

5 Building within certain areas of the Civil and Military Station which are specified in Notification No.62 dated 24-7-1928 requires the sanction of the Resident. It is governed by section 83A of the Bangalore Municipal Law.

6 Building within the remaining areas of the Civil and Military Station does not require the sanction of the Resident. It is regulated by section 83 of the Bangalore Municipal Law.

7 In this case, from the correspondence which was received with Headquarters' letter at S.N.1 (and was forwarded in original to the District Magistrate and P.M.C. with S.N.2) it appeared that the Municipal Commission itself sanctioned the application for building, so the building may be within the area referred to in para 6.

8 The remarks of the D.M. and P.M.C. which have been invited in S.N.2 will show definitely whether in this case the provisions of section 83A of the Municipal Law (read with Residency Notification No.62 dated 24-7-1928) have been infringed.

9 Consequences (and penalties) which will ensue a breach of the direction contained in the Residency Notification referred to are set out in sub-sections (6) and (7) of section 83A of the Municipal Law to which reference is invited. It will be seen that if the Resident's direction is found to have been infringed, he has power to order the demolition of the building, and "no person shall be entitled to any compensation for any loss or injury

rising

arising out of such demolition".

C.V. Ramanathan.
2. 6. 31

Secy. Asst. P.H.C's opn.

S.N. 4 & 5 | Issued Nos. 3939 and 3931, dated the 2nd June, 1931.

Records

Please put up this case after a week, if a reply is not received in the meanwhile.

C.V.R
2.6.31

Noted.
A.B.D
2-6-31

(P) S.N.6 From the P.M.C. No.R.S.53, dated the 2nd June, 1931

10 Refce letter just received from PMC re building in Edwards Road. Please send a copy of that letter to the SSO with a covering letter from me saying that I send it for information and a further communication will be made shortly.

8/6

A draft is submitted.

8.6.31

8.6.31

Sefer. 6.96

(P) S.N.7 Issued No. 4169, dated the 11th June, 1931

11

Reference is invited to the correspondence at S. N. 1-3 and to the P.M.C.'s remarks at S. N. 6. (An interim reply has been given to the Military Authorities—Vide S. N. 7).

12

Reference is also invited to the notes at paragraphs 4-9 written in answer to Secretary's question whether building operations can start without Resident's sanction.

13

The first question that may be considered is whether in this case the Resident's previous permission is necessary for the construction of the building.

14

As the site of the proposed building appears to be within the area specified in Resident's Notification No.62, dated the 24th July 1928, it is submitted that the Resident's sanction is necessary for the construction of the building. The P.M.C.'s letter is silent on this point, but please see the notes (of the P.M.C.'s office) at slip N.

15

It may be mentioned here that, in Resident's Proceedings No.7855, d/18-8-28, the D.M. has been authorised to pass orders, on behalf of the Resident, granting applications (under section 83 A of the Bangalore Municipal Law) for permission to erect or re-erect buildings, but that applies only to cases where "the President, Municipal Commission and the Military Authorities agree to the grant of permission in each case." It may be noted that it is the D.M., and not the P.M.C., that was so authorised.

authorised.

16 In the present case the Resident's sanction has not been applied for by the owner of the plot. It is unlikely that he is unaware of the fact that the permission of the Resident is necessary. It is conceivable that he is just laying the foundations (and making a small beginning) just to see whether any objections from the Military or others (which he probably apprehends) are coming up. It is true that he has obtained the permission of the P.M.C. but that by itself is not sufficient, in view of Resident's Notification No.62, dated 24-7-28 (under section 83 A of the Bangalore Municipal Law) which was issued in the interests of the Military.

17 The P.M.C.'s remarks have no doubt a good deal of force but they will not excuse the owner of a plot from getting Resident's permission where it is necessary under the Municipal Law.

18 It is suggested for consideration whether P.M.C. may be asked to inform the owner that if he proceeds with the building operations without the requisite permission of the Resident, he will be doing so at his own risk, attention being invited to the provisions of section 83 A, sub-sections (6) & (7). When this is done and if the owner of the plot applies for the permission, the application may be considered on its merits. At present, there is no application to the Resident for permission to build, and the action suggested above may prove sufficient. The Military authorities may be informed of the action taken.

19 Lastly, it is submitted that the above notes are written on the presumption that the plot is within the area specified in Resident's Notification No.62,

No.62, dated the 24th July 1928 and it is believed (on referring to the map) that the presumption is correct. But, in order to make the position sure, the P.M.C. may be asked u.o. to verify the point, especially as his letter does not say anything about this.

C.V.Ramanathan
1.7.31

Secretary
Please ask P.M.C. to say very urgently.
Ex 3/7.

A draft Memorandum (marked 'Very Urgent') is submitted.

CVR
4.7.31

4.7.31

S.N.8

Issued No.4717, dated the 4th July, 1931.

P.W.C — S.N.9

From the President, Municipal Commission, R.No.553/2, dated the 6th July 1931.

(Please see from para 11)

It is now clear that the erection of a building on the site in question without the permission of the Resident offends against the provisions of section 83 A (1) of the Bangalore Municipal Law, read with the Residency Notification No.62, dated the 24th July 1928.

The P. M. C., however, is of opinion that, in the circumstances mentioned in his letter at S.N.6, it is not possible to prevent building on the site.

Submitted for orders.

C. V. Ramanathan.
8. 7. 31

Secretary.

Please see S.N.1. Resident tells me District realise that the building is too far advanced & it should demolished & also they have no assurance that in future they will be consulted. The matter may come up. I will talk to Colonel about it on his return.

Resident

The draft does not make clear that Govt cannot agree to keep the area open. Pres's letter is quite clear.
I have amended the draft.

11.7

S.N.10 Issued No.4938, dated the 13th July, 1931

S.N.11

Letter No.R/553/3, dated the 22nd July 1931, from the President, Municipal Commission, C. and M Station, Bangalore.

Draft submitted for approval.

Kora Chandra
25-7-31.

C.V.R.
25.7.31

A.S.

29.7.31

S.N.12. Issued No.5447, dated the 31st July 1931.

CORRESPONDENCE.

No. 24518/100/S

Headquarters Madras District.

Bangalore 12th May 1931.

To:-

The Secretary to the Hon'ble the Resident in Mysor

Bangalore.

RESIDENT IN MYSORE.
BANGALORE.
15 MAY 1931
Regd. No. 4938
File No. 239/31.

Sir,

Reference the attached correspondence regarding an application from M.R.Ry.THANGAVELOO MOODR to construct a building in Edward Road.

2. I am directed by the District Commander to state that he does not recommend that sanction be accorded to construct the proposed building. The land, with the exception of the New Modern Girls School, now under construction, is open ground, and should not, in the opinion of the District Commander, be utilized for building purposes.

3. If this application is sanctioned, other houses will follow and in a short space of time the whole area will be built over. As you are aware there is already a great deal of overcrowding in the Military areas.

4. I am directed by the District Commander to point out that the applicant is reported to be making a start with the foundations and the collecting of material, though this is the first occasion on which the question has been referred to him for his views.

5. I am to add that one house in this road has been taken by the military authorities on a five years lease owing to its suitable locality and out-

look, and if building is permitted on the site under reference this leased bungalow may become impossible to live in owing to the continual noise created by building operations.

I have the honour to be,

Sir,

Your obedient servant,

J. V. Inverarity

Major,
D.A.Q.M.G., Madras District.

[R.O. 106 (a).]

All communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

OFFICE OF THE RESIDENT IN MYSORE,

Bangalore, 20th May 1931.

No 3666 Enclos. 3

× To be kindly returned with reply.

× in original

A copy of the marginally* noted letter, with enclosure, is forwarded to the President, Municipal Commission, Civil and Military Station, Bangalore, for favour of very early remarks.

P.W.C S.N.I.F

*No. 24518/100/S,

dated the 12th May 1931,

from the Headquarters, Madras District, Bangalore.

for Secretary to the Resident.

23—10-4-1931—5,000—EPB.

Ed
H.C.M.

Hora Chand
18-5-31

C.V.R.
19.5.31

No:24518/109/Q.
HEADQUARTERS, MADRAS DISTRICT.-
BANGALORE, 28th May, 1 9 3 1.

To

The Secretary to the
Hon'ble the Resident in Mysore,
BANGALORE.

OFFICE OF THE RESIDENT IN MYSORE
BANGALORE.
31 MAY 1931
Regd. No. S 388
Pol. No. 239/31

Sir,

BUILDING POLICY - C. & M. STATION - BANGALORE.

(A) S.N.I

1. In continuation of this office No:24518/100/S of the 12th May, 1931, regarding an application from M.R.Ry: THANGAVELOO MOODR. to construct a building in Edward Road.

2. Would you kindly let me know, for the information of the District Commander, how the matter referred to in my letter quoted above stands.

It will be observed that building operations are still in progress on the site in question.

3. With reference to paragraph 5 of my letter referred to above, I am to add that two houses and not one have been taken by the Military Authorities in this Road on a 5 years lease, and that the impossibility of living in these houses owing to continual noise will affect two and not one house, as previously stated.

I have the honour to be,

Sir,

Your obedient servant,

J. F. Sweetnam

MAJOR,
D.A.Q.M.G., MADRAS DISTRICT.

3931 Genl V 2nd June 1931

URGENT

From

Secretary

To

The District Magistrate and
President, Municipal Commission,
C & M Station,
Bangalore

Building Policy-- C & M Station, Bangalore.

Sir,

S.N.2 (B)

In conitnuation of my endorsement No.3666, dated the 20th May, 1931, I am directed to forward, for information, a copy of letter No. 24518/100/Q, dated the 28th May, 1931, from Headquarters, Madras Dist. and, ~~xxxxxxxxxxxxxxxx~~ in the circumstances mentioned, to request that the Hon'ble the Resident may be favoured with your remarks in the matter at a very early date.

S.N.3

I have etc.

for SECRETARY TO THE RESDT.

C.V.R. 30-5-31

30.5.31

H. O.
14 2,000—17—9—1930.

No. R.S.53
with 2 plans of site.

CIVIL AND MILITARY STATION, BANGALORE.
MUNICIPAL OFFICE.
DATED 2nd June, 1 9 3 1.

From

3 JUNE 1931
5524
3915.1

G. H. COOKE ESQ, M. C., I. C. S.,
President, Municipal Commission,
C. & M. Station, BANGALORE.

The Secretary to the Hon'ble the Resident
in Mysore, BANGALORE.

SIR,

S.IV.2 P. With reference to your endorsement No.3666 Encls.3/239-1931 dated 20th May 1931, forwarding letter No.24518/100/3, dated the 12th May 1931, from the Head Quarters Madras District, Bangalore, to your address; I have the honour to state that in 1921 the Municipal Commission purchased the old Cubbon lines from the Military for Rs.3 lakhs. The whole land forming the Cubbon lines -- was town-planned as shown in the accompanying blue print plan, and the sites marked thereon were sold by public auction as building sites. The sites between Edward Road and Cunningham Road have been built upon with the exception of the one nearest Queen's Road The site now proposed to be built upon is marked No.10 (on blue print plan). The Military were represented on the Committee that passed the lay-out mentioned above, by the Officer Commanding the British Station Hospital and the Deputy Assistant Director of Military works, and the lay-out was approved by the Municipal Commission on 30th May 1922, when the Military were again represented by the officers mentioned above, the Staff Surgeon and Staff Captain, Bangalore Brigade area. As the site in question was sold as a building site, I am afraid it is impossible at this stage to prevent building on it or on the other sites shown in blue print plan. I may mention that sites Nos.14 to 16 and all those to the North of Connaught Road have been sold for building a Girls' --- School and sites Nos.8 to 13 and 17 to 19 for residential -----

P. T. O.

residential houses.

I have the honour to be

Sir,

Your most obedient servant,

for PRESIDENT, M.C.,

BAP.2/6 20/2/6

7

No.4169 Conf.1. 11th June 1931

From

Secretary

To

The Station Staff Officer,
Madras District,
Bangalore.

Building in Edward Road.

Sir,

In continuation of my letter No.3939, dated the 2nd June, 1931, on the above subject, I am to enclose, for information, a copy of a letter No. R.S.53, dated the 2nd June, 1931, received from the President of the Municipal Commission. The matter is being examined, and a further communication will be made shortly.

I have etc.

SECRETARY TO THE RESIDENT.

S.N.4 (E)

S.N.6 (Pvt)

C.V.R. 8.6.31

10.6.31

VERY URGENT.

8

Memorandum.

No. 4717

From Secretary to the Resident

Bangalore, dated 14th July 1931.

To The P.M.C.,
C & M Station,
Bangalore.

Reference: His letter No.R 553, dated the 2nd June, 1931, regarding building in Edward Road.

The President, Municipal Commission, is requested to state whether the site in question is within the area specified in the Hon'ble the Resident's Notification No.62, dated the 24th July, 1928.

S.N.79/565-23

2. This reference may kindly be treated as very urgent.

14/7

for Secretary to the Resident

cvr 4731

500—17—7—1930.

Civil and Military Station Municipality, Bangalore.

No. R 553/2

VERY URGENT.

MUNICIPAL OFFICE,

6th July, 193 1.

MEMORANDUM.

To

The Secretary to the Hon'ble the Resident

in Mysore, B A N G A L O R E.

S.N.8 Ref:- Your No.4717, dated 4th July 1931, regarding building in Edward Road.

The site in question is within the area specified in S.N.79 565-23 the Hon'ble the Resident's notification No.62, dated the 24th July 1928.

SN.19/565-23

for PRESIDENT, M.C.,

BAT.6/7 6/7/31

6569.
239/31

(10

All communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

No. 4938 Enc. 1+ file of Correspondence to Hd. Qrs.
239 of 1931. 2 Blue print plans to P.M.C.

FROM

Captain G. Kirkbride,
SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

To Headquarters,
Madras District,
Bangalore.

Dated Bangalore, 13th July, 1931.

Subject.

CONSTRUCTION OF A BUILDING IN EDWARD ROAD BY M.R.Ry. THANGAVELU MUDALIAR.

SIR,

I am directed to refer to your letter No.24518/100/S, dated the 12th May, 1931, and to enclose for the information of the District Commander a copy of a letter No.R.563, dated the 2nd June, 1931, from the President, Municipal Commission, Civil and Military Station, Bangalore, explaining the circumstances in which the site referred to in your letter under reply came to be built upon. The Hon'ble the Resident agrees with the President, Municipal Commission that it is now impossible to prevent building in this area. I am, however, to express his regret that the President, Municipal Commission omitted to consult the military authorities before according sanction to the construction of the building. He has been instructed to exercise the greatest care to do so in the future.

I am to add, that so far as the building under reference is concerned, the owner was granted permission by the Municipal Commission to construct the building. This was irregular, as the sanction of the Hon'ble the Resident

was

was necessary. This, however, the owner could hardly be expected to know and his action in proceeding with the work of construction cannot, at this stage, be called in question.

I have the honour to be,
Sir,
Your most obedient servant,

O/C.

Captain,

SECRETARY TO THE RESIDENT.

11.7.31.

Copy to the President, Municipal Commission, Civil and Military Station, Bangalore, with reference to his letter No.R.553, dated the 2nd June, 1931 (with 2 blue prints returned).

vdv.